

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

LA WEIGHT LOSS,)

Defendant.)

Case No. WDQ-02-CV-648

DECLARATION OF ELVIRA SISOLAK

I, Elvira Sisolak, hereby state as follows:

1. I am a Senior Economist in the Research and Analytic Services unit of the Office of General Counsel, EEOC. As a labor economist, I provide analytical support and expert testimony for charges and cases of employment discrimination. I graduated with a B.A. in economics from the University of Massachusetts and received a M.A. in economics from George Washington University.

2. During the 32 years I have worked for EEOC, I have prepared many analyses and reports on the economic aspects of employment discrimination including the calculation of back pay and front pay. I am responsible for developing techniques and approaches required for my analyses, and gathering, processing, and evaluating data needed to complete the task.

3. I conducted an analysis of the economic loss for the claimants who were denied hire to LA Weight Loss. In order to complete this analysis I relied upon the expert report I previously prepared in this case. In my previous report in this case, I

calculated the hiring shortfall or the number of males Defendant should have hired in each year. The shortfall is the difference between the number of men who were hired and the number of men who would be expected to be hired given the male applicant rate. In determining the shortfall I examined the actual hiring rates of men and women by Defendant and the rates at which men applied for work in the affected job categories, as determined in my prior Report in this case. I also reviewed the expert report prepared PriceWaterhouseCoopers ("PWC") for Defendant. The report prepared by PWC calculated average back pay wages by job category. PWC represented that the average earning figures for the sampling of the EEOC's claimants were calculated based upon the average earnings and tenure of incumbents in each job category. I multiplied the shortfall figure by the average earnings and benefits for each year in the affected job category. The calculations do not include pre-judgment interest. The calculations that I conducted are attached hereto to this declaration in the form of a spreadsheet.

4. It was reasonable to calculate the back pay based upon a missed opportunities (shortfall) analysis using male availability, availability being the percentage of males who applied for the affected jobs at LA Weight Loss. In my experience, this is an acceptable method of calculating back pay due to the large class of presently identified claimants and potential claimants yet to be identified.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 3/13/08



Elvira Sisolak
Senior Economist
Research and Analytic Services
EEOC Office of General Counsel

1999-2004							Missed ops
							Missed 1999-2007
							Opps per Missed
							Year Opps
Hires		Men	Applicant Flow	Expected # of Men	Missed Opps		
#	% of Total						
Counselors	3,141	57.7	63	18.1	569	506	84 758
Medical Assistants	632	11.6	13	11.6	73	60	10 90
Assistant Managers	764	14.0	18	24.0	183	165	28 248
Managers	831	15.3	17	29.6	246	229	38 343
Area Supervisors	77	1.4	1	33.7	26	25	4 37
Total	5,445	100.0	112		1,097	985	164 1,478
Counselors							
		Missed Opps	Back Pay	Lost Benefits	Total		
1999	892	10.9	83	351,316	29,810	381,125	
2000	910	11.1	84	387,458	30,411	417,869	
2001	1,241	15.2	115	538,703	45,786	584,489	
2002	724	8.9	67	323,716	32,712	356,428	
2003	1,015	12.4	94	472,167	48,845	521,012	
2004	663	8.1	62	317,667	40,945	358,613	
2005	908	11.1	84	447,877	57,986	505,863	
2006	908	11.1	84	461,556	66,150	527,707	
2007	908	11.1	84	475,414	75,395	550,809	
Total	8,169	100.0	758	3,775,873	428,041	4,203,914	
Medical Assistants							
		Missed Opps	Back Pay	Lost Benefits	Total		
1999	892	10.9	10	43,307	3,260	46,567	
2000	910	11.1	10	45,547	3,326	48,873	
2001	1,241	15.2	14	62,253	5,007	67,260	
2002	724	8.9	8	38,834	3,578	42,412	
2003	1,015	12.4	11	56,404	5,342	61,746	
2004	663	8.1	7	38,184	4,478	42,662	
2005	908	11.1	10	53,915	6,342	60,257	
2006	908	11.1	10	55,564	7,235	62,799	
2007	908	11.1	10	56,827	8,246	65,073	
Total	8,169	100.0	90	450,836	46,812	497,648	

			Assistant Managers					
			Missed	Back Pay	Lost	Total		
			Opps		Benefits			
1999	892	10.9	27	237,475	17,877	255,351		
2000	910	11.1	28	249,756	18,237	267,994		
2001	1,241	15.2	38	341,364	27,458	368,822		
2002	724	8.9	22	212,946	19,617	232,563		
2003	1,015	12.4	31	309,290	29,292	338,582		
2004	663	8.1	20	209,381	24,555	233,936		
2005	908	11.1	28	295,642	34,774	330,416		
2006	908	11.1	28	304,685	39,670	344,355		
2007	908	11.1	28	311,612	45,214	356,827		
Total	8,169	100.0	248	2,472,152	256,695	2,728,847		
			Managers					
			Missed	Back Pay	Lost	Total		
			Opps		Benefits			
1999	892	10.9	38	713,078	29,255	742,333		
2000	910	11.1	38	749,971	29,845	779,816		
2001	1,241	15.2	52	1,054,401	44,934	1,099,335		
2002	724	8.9	30	619,269	32,103	651,373		
2003	1,015	12.4	43	897,757	47,936	945,694		
2004	663	8.1	28	604,552	40,184	644,735		
2005	908	11.1	38	852,320	56,907	909,227		
2006	908	11.1	38	878,380	64,920	943,300		
2007	908	11.1	38	904,725	73,992	978,718		
Total	8,169	100.0	343	7,274,453	420,076	7,694,530		
			Area Managers					
			Missed	Back Pay	Lost	Total		
			Opps		Benefits			
1999	892	10.9	4	168,568	4,597	173,165		
2000	910	11.1	4	177,288	4,690	181,979		
2001	1,241	15.2	6	249,254	7,061	256,315		
2002	724	8.9	3	149,778	5,045	154,823		
2003	1,015	12.4	5	210,161	7,533	217,694		
2004	663	8.1	3	141,396	6,315	147,711		
2005	908	11.1	4	138,213	8,943	147,156		
2006	908	11.1	4	205,440	10,202	215,642		
2007	908	11.1	4	211,602	11,628	223,230		
Total	8,169	100.0	37	1,651,701	66,016	1,717,717		

			Five Job Groups					
			Missed					
			Opps			Total		
1999			161			1,598,542		
2000			165			1,696,530		
2001			224			2,376,221		
2002			131			1,437,599		
2003			184			2,084,728		
2004			120			1,427,658		
2005			164			1,952,920		
2006			164			2,093,803		
2007			164			2,174,656		
Total			1,478			16,842,656		